

BEFORE THE BOARD OF MEDICAL QUALITY ASSURANCE
STATE OF CALIFORNIA

In the Matter of the Accusation)
and Petition to Revoke Probation)
against:)

ROBERT IAN PICKER, M.D.)
1929 Meadow Road)
Walnut Creek, CA 94595)
Certificate No. G-019505)

No. D-3264

Respondent.)
_____)

DECISION

The attached Stipulation is hereby adopted by the Division of Medical Quality as its Decision in this case, except that the Division hereby reduces the penalty by shortening the actual period of suspension from one year to six months. Paragraph 7(a) on page 3 of the Stipulation is amended to read as follows:

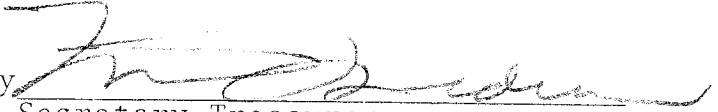
"(a) As part of probation, respondent is suspended from the practice of medicine for six months beginning the effective date of this decision."

The effective date of this decision shall be

November 4, 1985.

So ordered October 4, 1985.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE

By 
Secretary-Treasurer

1 JOHN K. VAN DE KAMP, Attorney General
2 of the State of California
3 JOHN E. BARSELL, JR.
4 Deputy Attorney General
5 6000 State Building
6 San Francisco, CA 94102
7 Telephone: (415) 557-3629

8 Attorneys for Complainant

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BEFORE THE BOARD OF MEDICAL QUALITY ASSURANCE
STATE OF CALIFORNIA

11 In the Matter of the Accusation)
12 and Petition to Revoke Probation)
13 against:)
14 ROBERT IAN PICKER, M.D.)
15 1929 Meadow Road)
16 Walnut Creek, CA 94595)
Certificate No. G-019505)
Respondent.)

NO. D-3264
PROPOSED DECISION
PURSUANT TO
STIPULATION

17 IT IS HEREBY STIPULATED by and between Robert Ian Picker,
18 M.D. (hereinafter "respondent"), by and through his attorney
19 Dennis M. Warren and the Board of Medical Quality Assurance,
20 Division of Medical Quality, State of California (hereinafter the
21 "Board"), by and through its attorney John K. Van De Kamp, Attorney
22 General of the State of California, by Deputy Attorney General
23 John E. Barsell, Jr., as follows:

24 1. That respondent has received and read the accusation
25 and Petition to Revoke Probation which is presently on file and
26 pending in Case No. D-3264 before the Board.

27 //

1 2. That respondent understands the nature of the charges
2 alleged in the above-mentioned accusation and petition as grounds
3 constituting cause for disciplinary action.

4 3. That respondent is fully aware of his right to a
5 hearing on the charges and allegations contained in said accusation
6 and petition, his right to reconsideration, to appeal and to any
7 and all other rights which may be accorded him pursuant to the
8 California Administrative Procedure Act, and that he hereby fully
9 and voluntarily waives his right to a hearing, to reconsideration,
10 to appeal and to any and all other rights which may be accorded
11 him by the California Administrative Procedure Act with regard to
12 said Accusation No. D-3264.

13 4. That Kenneth J. Wagstaff, complainant in the case, as
14 Executive Director of the Board of Medical Quality Assurance of the
15 State of California, made and filed the accusation in his official
16 capacity. On November 20, 1970, respondent was issued Physician and
17 Surgeon Certificate No. G-19505 by the Board. Effective July 26,
18 1984 in Accusation No. D-3264, the Board took disciplinary action
19 against respondent. Said decision suspended respondent's license
20 for 90 days effective July 26, 1984 and placed respondent's license
21 on probation for five years.

22 5. All admissions of fact and conclusions of law con-
23 tained in this stipulation are made exclusively for this proceeding
24 and any future proceedings between the Board and respondent, and
25 not for any purpose in any other administrative, civil or criminal
26 action, forum or proceeding. Respondent admits for the purpose of
27 this stipulation and waiver that the following factual allegations
28 contained in Accusation No. N-80349 are true:

1 Respondent has violated the terms of his probation in
2 that he committed the following acts during the period that his
3 license was suspended:

4 (a) On or about August 13, 1984 in the offices of Craig G.
5 Phelps, Registered Physical Therapist, respondent held himself out
6 as an "M.D." and "Physician" in violation of Business and Profes-
7 sions Code section 2054.

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2(a)

1 (b) On or about August 13, 1984 in the offices of
2 Craig G. Phelps, Registered Physical Therapist, respondent
3 attempted to practice medicine by treating the knee of G [REDACTED]
4 M [REDACTED] in violation of section 2052 of the Business and Profes-
5 sions Code.

6 6. The conduct alleged above in paragraph 5 is grounds
7 for disciplinary action against respondent and grounds to revoke
8 respondent's probation.

9 7. That, based on the foregoing recitals, IT IS HEREBY
10 STIPULATED AND AGREED that the Division of Medical Quality may
11 issue, as to said grounds for disciplinary action, the following
12 order:

13 The Certificate No. G-019505, issued to the respondent,
14 is hereby revoked; provided, however, that said revocation is
15 stayed for a period of five (5) years, during which time respondent
16 shall be placed on probation, subject separately and severally to
17 the following terms and conditions:

18 (a) As part of probation, respondent is suspended from
19 the practice of medicine for one year beginning the effective date
20 of this decision.

21 (b) The terms of probation set forth in this stipulation
22 are in addition to and are to run concurrently with the terms of
23 probation of the Board's decision of July 26, 1984.

24 (c) On or about the time respondent completes his period
25 of suspension set forth in subsection (a) above respondent shall
26 take and pass an oral clinical examination in respondent's pro-
27 posed scope of practice. The examination shall be administered by

1 the Division or its designee. If respondent fails this examina-
2 tion, respondent must wait three months between reexamination,
3 except that after three failures respondent must wait one year to
4 take each necessary reexamination thereafter. The Division shall
5 pay the cost of the first examination and respondent shall pay
6 the costs of any subsequent examinations. Respondent shall not
7 practice medicine until respondent has passed this examination
8 and has been so notified by the Division in writing.

9 (d) For a period of one year following respondent's sus-
10 pension and passing the oral clinical examination, respondent
11 is prohibited from engaging in solo practice. Prior to resuming
12 practice respondent shall submit to the Division and receive its
13 prior approval, a plan of practice limited to a supervised struc-
14 tured environment in which respondent's activities will be over-
15 seen and supervised by another physician.

16 (e) Respondent shall submit quarterly declarations under
17 penalty of perjury on forms provided by the Division, stating
18 whether there has been compliance with all the conditions of
19 probation.

20 (f) Respondent shall comply with the Division's proba-
21 tion surveillance program.

22 (g) Respondent shall appear in person for interviews
23 with the Division's medical consultant upon request at various
24 intervals and with reasonable notice.

25 (h) In the event respondent should leave California to
26 reside or to practice outside the State, respondent must notify
27 in writing the Division of the dates of departure and return.
28 Periods of residency or practice outside California will not

1 apply to the reduction of this probationary period.

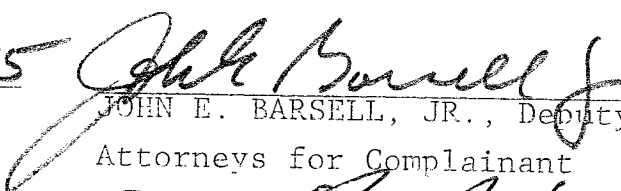
2 (i) Respondent shall obey all federal, state and local
3 laws, and all rules governing the practice of medicine in
4 California.

5 (j) If respondent violates probation in any respect,
6 the Division, after giving respondent notice and the opportunity
7 to be heard, may revoke probation and carry out the disciplinary
8 order that was stayed. If an accusation or petition to revoke
9 probation is filed against respondent during probation, the
10 Division shall have continuing jurisdiction until the matter is
11 final, and the period of probation shall be extended until the
12 matter is final.

13 (k) Upon successful completion of probation, respondent's
14 certificate will be fully restored.

15 8. IT IS FURTHER STIPULATED AND AGREED that the terms
16 set forth herein shall be null and void, and in no way binding
17 upon the parties hereto, unless and until accepted by the Division
18 of Medical Quality, Board of Medical Quality Assurance of the
19 State of California

20 JOHN K. VAN DE KAMP, Attorney General
21 of the State of California

22 DATED: May 8, 1985 
23 JOHN E. BARSELL, JR., Deputy Attorney General
24 Attorneys for Complainant

25 DATED: 5.4.85 
26 DENNIS M. WARREN, Attorney for Respondent

27 DATED: 5-8-85 
ROBERT I. PICKER, Respondent

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I HEREBY CERTIFY that I have read this stipulation and
agreement in its entirety; that my attorney of record has fully
explained the legal significance and consequences thereof; that I
fully understand all of the same, and in witness thereof I affix
my signature this 8th day of May, 1985, at
San Francisco, California.

Robert Ian Picker M.D.
ROBERT IAN PICKER, M.D.
Respondent

1 JOHN K. VAN DE KAMP, Attorney General
 2 of the State of California
 3 JOHN E. BARSELL, JR.
 4 Deputy Attorney General
 5 6000 State Building
 6 San Francisco, CA 94102
 7 Telephone: (415) 557-3629

8 Attorneys for Complainant

9
 10
 11 BEFORE THE BOARD OF MEDICAL QUALITY ASSURANCE
 12 STATE OF CALIFORNIA

13 In the Matter of the Accusation and)
 14 Petition to Revoke Probation against:)
 15)
 16 ROBERT IAN PICKER)
 17 1929 Meadow Road)
 18 Walnut Creek, CA 94595)
 19 Certificate No. G-019505)
 20 Respondent.)

NO. D-3264

ACCUSATION AND PETITION
 TO REVOKE PROBATION

21 Complainant, Kenneth J. Wagstaff, charges and alleges:

22 1. He is the Executive Director of the Board of Medical
 23 Quality Assurance (Board) and makes these charges and allegations
 24 in his official capacity.

25 2. On November 20, 1970 respondent was issued Physicians
 26 and Surgeons Certificate No. G-019505 by the Board. Effective
 27 July 26, 1984 in Accusation No. D-3094, the Board took disciplinary
 28 action against respondent. A copy of said decision of the Board
 is attached hereto as Exhibit A and incorporated herein by refer-
 ence. Said decision suspended respondent's license for 90 days
 effective July 26, 1984 and placed respondent's license on proba-
 tion for five years.

1 3. Respondent has violated the terms of his probation
2 in that he committed the following acts during the period that
3 his license was suspended:

4 (a) On or about August 13, 1984 in the offices of Craig
5 G. Phelps, Registered Physical Therapist, respondent held himself
6 out as an "M.D." and "Physician" in violation of Business and
7 Professions Code section 2054.


8 (b) On or about August 13, 1984 in the offices of
9 Craig G. Phelps, Registered Physical Therapist, respondent attempted
10 to practice medicine by treating the knee of G [REDACTED] M [REDACTED] in
11 violation of section 2052 of the Business and Professions Code.

12 4. The conduct alleged above in paragraph 3 is grounds
13 for revocation of respondent's probation pursuant to the terms of
14 Exhibit A and pursuant to section 2306 of the Business and Profes-
15 sions Code.

16 5. The conduct alleged above in paragraph 3 is grounds
17 for disciplinary action against respondent pursuant to sections
18 2052 and 2054 in conjunction with section 2306 of the Business and
19 Professions Code.

20 THEREFORE, it is requested that upon proof of the matters
21 charged herein that respondent's license be revoked or suspended or
22 that his probation be revoked.

23 DATED: November 9, 1984.

24
25 
26 KENNETH J. WAGSTAFF
27 Executive Director, Board of
Medical Quality Assurance
Complainant

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

ROBERT IAN PICKER, M.D.
Certificate No. G-19505,

Respondent.

NO. D-3094

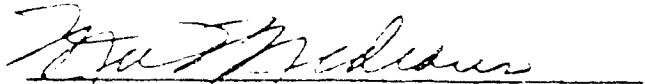
DECISION

The attached Stipulation is hereby adopted by the Division
of Medical Quality of the Board of Medical Quality Assurance as its
Decision in the above-entitled matter.

This Decision shall become effective on July 26, 1984.

IT IS SO ORDERED June 26, 1984.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE



MILLER MEDEARIS
Secretary-Treasurer

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 JOHN E. BARSELL, JR.
Deputy Attorney General
3 6000 State Building
San Francisco, CA 94102
4 Telephone: (415) 557-3629

5 Attorneys for Complainant
6
7

8 BEFORE THE BOARD OF MEDICAL QUALITY ASSURANCE OF THE
9 STATE OF CALIFORNIA
10

11 In the Matter of the Accusation)
against:)
12)
ROBERT IAN PICKER, M.D.)
13 2640 College Avenue)
Berkeley, CA 94704)
14 Certificate No. G-019505)
15 Respondent.)

NO. D-3094

PROPOSED DECISION
PURSUANT TO
STIPULATION

16
17 IT IS HEREBY STIPULATED by and between Robert Ian Picker
18 M.D. (hereinafter "respondent"), by and through his attorney
19 Dennis M. Warren and the Board of Medical Quality Assurance,
20 Division of Medical Quality, State of California (hereinafter the
21 "Board"), by and through its attorney John K. Van De Kamp, Attorney
22 General of the State of California, by Deputy Attorney General
23 John E. Barsell, Jr., as follows:

24 1. That respondent has received and read the accusation
25 which is presently on file and pending in Case No. D-3094 before
26 the Board.

27 //

1 2. That respondent understands the nature of the charges
2 alleged in the above-mentioned accusation as grounds constituting
3 cause for disciplinary action.

4 3. That respondent is fully aware of his right to a
5 hearing on the charges and allegations contained in said accusation,
6 his right to reconsideration, to appeal and to any and all other
7 rights which may be accorded him pursuant to the California
8 Administrative Procedure Act, and that he hereby fully and volun-
9 tarily waives his right to a hearing, to reconsideration, to
10 appeal and to any and all other rights which may be accorded him
11 by the California Administrative Procedure Act with regard to said
12 Accusation No. D-3094.

13 4. That Stephen R. Wilford, complainant in the case, as
14 Acting Executive Director of the Board of Medical Quality Assur-
15 ance of the State of California, made and filed the accusation in
16 his official capacity. On November 20, 1970 respondent was issued
17 Physician and Surgeon Certificate No. G 19505 by the Board. Since
18 that time said license has been continuously in full force and
19 effect.

20 5. Respondent admits the following facts:

21 On March 4, 1983, in the Alameda Superior Court, in
22 Case No. 76071, respondent was convicted of a violation of section
23 487.1 (grand theft) of the California Penal Code, a felony, and a
24 violation of section 13095 (failure to supply tax information) of
25 the Unemployment Insurance Code, a felony. Said convictions were
26 for crimes substantially related to the qualifications, functions
27 and duties of a physician and surgeon. Said convictions are

1 grounds for disciplinary action pursuant to sections 490 and 2236
2 of the Business and Professions Code. Between on or about
3 November 1, 1979 and on or about June 24, 1982 in the County of
4 Alameda, respondent unlawfully obtained \$49,944.10 from Blue
5 Shield of California and the State of California by submitting
6 false Medi-Cal claims. Such conduct is grounds for disciplinary
7 action pursuant to section 2234(e) of the Business and Professions
8 Code.

9 6. That, based on the foregoing recitals, IT IS HEREBY
10 STIPULATED AND AGREED that the Division of Medical Quality may
11 issue, as to said grounds for disciplinary action, the following
12 order:

13 The Certificate No. G-019505, issued to the respondent,
14 is hereby revoked; provided, however, that said revocation is
15 stayed for a period of five (5) years, during which time respon-
16 dent shall be placed on probation, subject separately and severally
17 to the following terms and conditions:

18 (a) As part of probation, respondent is suspended from
19 the practice of medicine for ~~30~~ ⁹⁰ days beginning the effective date
20 of this decision. JSE

21 (b) A copy of the order for probation in the criminal
22 matter referred to in paragraph 5 above is attached hereto as
23 Exhibit A. Respondent shall make restitution as set forth in
24 Exhibit A including any additional amounts as may be ordered by
25 the court.

26 (c) Respondent shall complete 750 hours of community
27 volunteer work. The volunteer work as set forth in Exhibit A may
28 be used by respondent to comply with this requirement.

1 (d) Respondent shall submit quarterly declarations under
2 penalty of perjury on forms provided by the Division, stating
3 whether there has been compliance with all the conditions of
4 probation.

5 (e) Respondent shall comply with the Division 's proba-
6 tion surveillance program.

7 (f) Respondent shall appear in person for interviews
8 with the Division's medical consultant upon request at various
9 intervals and with reasonable notice.

10 (g) In the event respondent should leave California to
11 reside or to practice outside the State, respondent must notify
12 in writing the Division of the dates of departure and return.
13 Periods of residency or practice outside California will not apply
14 to the reduction of this probationary period.

15 (h) Respondent shall obey all federal, state and local
16 laws, and all rules governing the practice of medicine in
17 California.

18 (i) If respondent violates probation in any respect,
19 the Division, after giving respondent notice and the opportunity
20 to be heard, may revoke probation and carry out the disciplinary
21 order that was stayed. If an accusation or petition to revoke
22 probation is filed against respondent during probation, the
23 Division shall have continuing jurisdiction until the matter is
24 final, and the period of probation shall be extended until the
25 matter is final.

26 (j) Upon successful completion of probation, respondent's
27 certificate will be fully restored.

1 7. IT IS FURTHER STIPULATED AND AGREED that the terms
2 set forth herein shall be null and void, and in no way binding
3 upon the parties hereto, unless and until accepted by the Division
4 of Medical Quality, Board of Medical Quality Assurance of the
5 State of California.

6 JOHN K. VAN DE KAMP, Attorney General
7 of the State of California

8
9 DATED: October 27 1983

John E. Barsell, Jr.
JOHN E. BARSELL, JR.
Deputy Attorney General

Attorneys for Complainant

12
13 DATED: Nov 30, 1983

Dennis M. Warren
DENNIS M. WARREN, Attorney for
Respondent

16 I HEREBY CERTIFY that I have read this stipulation and
17 agreement in its entirety; that my attorney of record has fully
18 explained the legal significance and consequences thereof; that I
19 fully understand all of the same, and in witness thereof I affix
20 my signature this 2nd day of November, 1983,
21 at Walnut Creek, California.

23
24 Robert Ian Picker, M.D.
ROBERT IAN PICKER, M.D.
Respondent

25 I agree to the amendment on page 3 changing the period
26 of actual suspension to 90 days from 30 days.

27 DATED: 5-1-84

Robert Ian Picker
ROBERT IAN PICKER, Respondent

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3AD0284

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

DEPT. 09

Date June 17, 1983 Hon. STANLEY P. GOLDE Judge Julie Rodrigues Deputy Clerk
K.A. Alley Deputy Sheriff James Lee Reporter

THE PEOPLE OF THE STATE OF CALIFORNIA
FILED

Plaintiff
JUN 17 1983

Counsel appearing
for Plaintiff

Rodney Davis, Deputy
Attorney General

Counsel appearing
for Defendant

Dennis Roberts, Esq.

RENE C. DAVIDSON, County Clerk

By *Daisy Jones* DEPUTY

Probation Officer
appearing

Stanley Northey, Deputy

ROBERT CLAN PICKER

NATURE OF PROCEEDINGS: MINUTE ORDER re: PROBATION

ACTION No. 76071

This action comes on regularly this day for report of the Probation Officer and sentence.

PFN AND 458

The defendant having been convicted on March 4, 1983

by

CEN 2083258

☒ Plea of guilty ☐ Decision of Court ☐ Verdict of jury ☐ Plea of not contending

The offense is of felonies to wit: Grand Theft, a violation of Section 487.1 of the Penal Code of the State of California as charged in the 21st count of the Complaint; a violation of Section 13095 of the Unemployment Insurance Code as charged in the 23rd count of the Complaint. In the motion of the District Attorney and in the furtherance of justice, the Court ordered the 1st thru 20th, 22nd, and 24th counts dismissed, and the cause was certified to this court for sentence.

The Court having read and considered the report of the Probation Officer, it is now the Order of this Court that the imposition of sentence is suspended for the period of FIVE (5) YEARS

during which time the defendant is placed under the care, custody and control of the Probation Officer of Alameda County, subject to the following terms and conditions, to-wit: Defendant shall:

- ☐ () Serve the first _____ months of said probationary period in the Alameda County Jail, credit for time served from _____ and upon release therefrom. ☐ () NOT ELIGIBLE FOR COUNTY PAROLE.
- ☒ (X) Report forthwith to the Probation Officer of Alameda County and thereafter as directed, but not less frequently than once each month.
- ☒ (X) Follow all directives of the Probation Officer.
- ☐ () Seek and maintain regular employment and/or schooling and not change place of employment or residence without first obtaining the permission of the Probation Officer.
- ☐ () Not indulge in the use of intoxicants or visit any place where intoxicants are sold as the primary income of the business.
- ☒ (X) Obey all laws of the community and be of good conduct.
- ☐ () Not use or in any way traffic in narcotics or dangerous drugs, and not associate with any person using or in any way trafficking in narcotics or dangerous drugs.
- ☐ () Submit to such counseling, treatments or tests as directed by the Probation Officer, including Nalline and urinalysis.
- ☐ () Not associate with any person of known criminal record or tendencies.
- ☒ (X) Make restitution in the amount of \$49,944.10 payable at a monthly rate of \$400.00 on the first of each month commencing July 1, 1983, to and through the Probation Officer in such monthly installments as directed by said Officer.
- ☐ () Pay a fine of _____ to and through the Probation Officer in such monthly installments as directed by the said Officer.
- ☐ () If arrested, report in writing to the Probation Officer within _____ days of said arrest and use true name, date of birth and address.
- ☐ () Defendant is ordered to reside in an approved live-in drug program _____ is approved. Defendant to remain in said program for a minimum period of _____ and not to leave without written permission of Probation Officer, director of said approved program and this Court.
- ☐ () Defendant remanded into the custody of the Sheriff of Alameda County.
- ☐ () Submit to search and seizure of; vehicle, residence, person, (delete non-applicable) by any Probation Officer or any other law enforcement officer at any time of the day or night, with or without a search warrant.
- ☒ (X) Defendant is to complete 750 hours of volunteer work at Santa Rita Jail.
- ☒ (X) Defendant to submit to audit inspection of all financial and income tax records.
- ☒ (X) The cause is ordered continued to December 12, 1983 at 9:00a.m. for Progress Report.